

REMARKS

Claims 25-30 and 33-37 are pending in the case and being examined. Claims 25-30 and 37 were found allowable.

Rejection Under 35 U.S.C. §102(e)

Claims 33-35 were rejected under section 102(e) based on the Brodeur et al published U.S. application (US 2003/0031682) on grounds that this discloses a peptide with 95.2% identity to SEQ ID NO: 2 and 34% identity to SEQ ID NO: 7 and a peptide with 86.1% identity to SEQ ID NO: 2 and 30% identity to SEQ ID NO: 7.

In response, Applicants have amended these claims to recite only SEQ ID NO. 4. Because no art anticipates the latter, Applicants believe that these claims are in condition for allowance.

Claim Objection


Claim 36 was objected to as depending from a rejected claim. In response, Applicants have amended claim 36 to recite SEQ ID NO: 2 in independent form with the limitations from claim 33 except for the percent identities since this is obviated by reciting the exact sequence.

In addition, claim 37 was allowed but recites the sequences of SEQ ID NO: 2 and 4. Applicants have broken this into two separate claims by amending claim 37 to recite only SEQ ID NO: 2 and have added new claim 38 directed to SEQ ID NO: 4. Because

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claim 37 was directed to one of the two sequences while claims 38 and 38 simply recite them separately, these claims are believed allowable.

The Commissioner is requested to charge any additional fees, or credit any refunds, to Deposit Acc't No. 03-0678.

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|  Alan J. Grant, Esq. | <u>8/7/03</u> Date |

Respectfully submitted,



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